

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

Case No.: 5:22-cv-00513-BO

SCOTTSDALE INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JOSEPH M. KAYLOR, EASTERN	)	
FABRICATORS, LLC and FREDERICK	)	
BRUNSON,	)	
	)	
Defendants.	)	

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**JOINT MOTION TO DISMISS**

NOW INTO COURT, through undersigned counsel, come Plaintiff Scottsdale Insurance Company (“Scottsdale”), Defendant Joseph M. Kaylor, Defendant Eastern Fabricators, LLC and Defendant Frederick Brunson, pursuant to Federal Rule of Civil Procedure 41(a)(2), each of whom respectfully requests the Court to dismiss the entirety of this lawsuit, including any and all claims, crossclaims, and counterclaims, with prejudice, with each party to bear its own costs. In support of this Joint Motion, the Parties state as follows:

1. On December 14, 2022, the Plaintiff filed this action. [D.E. 1.]
2. Defendants Joseph M. Kaylor and Eastern Fabricators, LLC answered on January 12, 2023. [D.E. 6.]
3. Defendant Frederick Brunson answered the Complaint on March 17, 2023. [D.E. 12.]
4. Subsequently, the Court issued the Scheduling Order on May 11, 2023, which required the parties to exchange initial disclosures under Rule 26(a)(1) by June 9, 2023. [D.E. 15]

5. The parties exchanged their initial disclosures by the Court's deadline.

6. Through the exchange of initial disclosures, the parties now agree that there is no longer a dispute between the parties requiring the court's intervention, as the Plaintiff Scottsdale Insurance Company no longer seeks a rescission of its policies involving the Defendants Joseph Kaylor and Eastern Fabricators, LLC.

7. Accordingly, the parties wish to dismiss this lawsuit.

WHEREFORE, the parties respectfully move to dismiss the entirety of this lawsuit, with prejudice, with each party to bear its own costs.

Respectfully submitted this 17<sup>th</sup> day of July 2023.

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## CERTIFICATE OF SERVICE

The undersigned certifies that on July 17, 2023, the document to which this Certificate is affixed was filed with the Clerk of Court using the Court's CM/ECF System, which allows for automatic electronic service on the following counsel of record:

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Respectfully submitted,

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